UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/878,708	06/11/2001	Erwann Chenede	P5287 US	3981

24209 7590 12/02/2004

GUNNISON MCKAY & HODGSON, LLP
1900 GARDEN ROAD
SUITE 220
MONTEREY, CA 93940

EXAMINER	
PESIN, BORIS M	

ART UNIT	PAPER NUMBER
2174	

DATE MAILED: 12/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/878,708	CHENEDE, ERWANN	
	Examiner	Art Unit	
	Boris Pesin	2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 July 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-33* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-33* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *12 July 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. This communication is responsive to Amendment A, filed 7/12/2004.

2. Claims 1-33 are pending in this application. Claims 1, 15, 29, 30, and 32 are independent claims. In the Amendment A, Claims 1, 15, and 29 were amended. This action is made Final.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-8, 15-22, and 29-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baradel (US 5764230) in view of Rosenstein (US 6750858).

As per claim 1, Baradel teaches a method comprising communicating graphical display data between a window manager and at least one application in a network-based windowing system using an interface, wherein the window manager is responsible for controlling window layout within at least one workspace in accordance with predefined rules (column 2-3, lines 64-4, *client applications can access window manager*), the method comprising: communicating data between the window manager and the at least one application through an interface in response to an information request to the window manager from the at least one application (column 5, lines 37-56, *application requests to be an integrator client and receive window information*, and column 6, lines 17-19), wherein the communication involves: storing the data in at least one repository included in the interface (column 6, lines 33-41, *data is stored in the server, i.e. – the interface*), and retrieving the data from the at least one repository (column 6, lines 33-41, *client application accesses stored data*). Baradel does not teach directly communicating data between the window manager and the application. Rosenstein teaches directly communication data between window manager and the application (Figure 4, Element 422). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Baradel with the teachings of Rosenstein and include a method of communicating data directly between window manager and the application with the motivation to provide the user with faster data transfer speeds.

Claims 15 and 29 are similar in scope to claim 1, and are therefore rejected under similar rationale.

As per claim 2, Baradel and Rosenstein teach all the limitations of claim 1. Baradel further teaches that the data communicated between the window manager and the at least one application includes workspace content information (column 6, lines 17-19, *window manager communicates data to server and server sends data to client applications*).

As per claim 3, Baradel and Rosenstein teach all the limitations of claim 1. Baradel further teaches that the data communicated between the window manager and the at least one application includes information internal to the window manager if the information request from the at least one application comprises a request for information internal to the window manager (column 2-3, lines 64-4, *i.e. – windowing data managed by the window manager*).

As per claim 4, Baradel and Rosenstein teach all the limitations of claim 3. Baradel further teaches that the at least one repository further comprises a command repository associated with the window manager, wherein the command repository includes command information from command messages from the at least one application (column 5, lines 51-56, *command information, i.e. – window manager holds identifier of clients requesting information in storage*).

As per claim 5, Baradel and Rosenstein teach all the limitations of claim 4. Baradel further teaches storing data corresponding to the information request in a request repository included in the interface and associated with the window manager,

wherein the information request comprises a request for information internal to the window manager (column 5, lines 36-47, *client application stores request in interface's window data structure*).

As per claim 6, Baradel and Rosenstein teach all the limitations of claim 4. Furthermore, it is inherent in Baradel that the information request identifies the location of a data request repository included in the interface and associated with an application, wherein the data request repository holds an identification of the internal data requested. Any data structure must have a means to locate requested information such as a pointer or a key that enables the computer to find stored information.

As per claim 7, Baradel and Rosenstein teach all the limitations of claim 3. Baradel further teaches storing, in response to an information request, requested items supplied by the window manager in a response repository included in the interface and associated with an application (column 6, lines 33-41, *the window manager creates a repository in the window data structure in the interface with information applications can access*).

As per claim 8, Baradel and Rosenstein teach all the limitations of claim 7. Furthermore, it is inherent in Baradel that the information request identifies the location of the response repository. A computer system that responds to a request for information must have a means to locate the appropriate storage location.

As per claim 16, Baradel and Rosenstein teach all the limitations of claim 15, Baradel further teaches a workspace information repository associated with the window

manager, the workspace information repository being operable to hold workspace content information to be communicated from the window manager to at least one application (column 6, lines 17-19, *window manager communicates data to server and server sends data to client applications*); and a query control module responsive to a request from an application for information regarding the content of a workspace to query the workspace information repository for workspace content information to be returned to the application (columns 2-3, lines 64-4).

As per claim 17, Baradel and Rosenstein teach all the limitations of claim 15. Baradel further teaches a command request control module responsive to a request from an application for information internal to the window manager to cause the window manager to return the internal information to the application (column 6, lines 11-19, *the command request control module, i.e. server*).

As per claim 18, Baradel and Rosenstein teach all the limitations of claim 17. Baradel further teaches that the command request control module is responsive to a command message from an application to place information representative of a command in a command repository associated with the window manager (column 5, lines 37-55, *place identification in window manager storage*).

As per claim 19, Baradel and Rosenstein teach all the limitations of claim 17. Baradel further teaches that the command request control module is responsive to a request message requesting data internal to the window manager to place information representative of the request in a request repository associated with the window

manager (column 5, lines 36-47, *client application stores request in interface's window data structure*).

As per claim 20, Baradel and Rosenstein teach all the limitations of claim 17. Furthermore, it is inherent in Baradel that a data request repository associated with an application, the data request repository being operable to hold an identification of the internal data requested, and a request message identifies the location of the data request repository. A computer system that responds to a request for information must have a means to locate the appropriate storage location.

As per claim 21, Baradel and Rosenstein teach all the limitations of claim 17. Baradel further teaches a response repository associated with an application, the response repository being operable to receive requested items supplied by the window manager in response to a request message (column 6, lines 33-41, *the window manager creates a repository in the window data structure in the interface with information applications can access*).

As per claim 22, Baradel and Rosenstein teach all the limitations of claim 21. Furthermore it is inherent in Baradel that the request message identifies the location of the response repository. A computer system that responds to a request for information must have a means to locate the appropriate storage location.

As per independent claim 30, Baradel teaches a graphical subsystem program element comprising a carrier medium carrying program code configured to form a graphical subsystem for displaying a window for at least one application, the graphical subsystem comprising: a window manager operable to control window layout within at

least one workspace in accordance with predefined rules (column 2-3, lines 64-4); and an interface operable to permit direct access between an application and the window manager, the interface being operable to provide at least one control module for controlling communication between the application and the window manager and at least one repository of data to be communicated between application and the window manager (columns 2-3, lines 64-4). Baradel does not teach direct access between the window manager and the application. Rosenstein teaches direct access between the window manager and the application (Figure 4, Element 422). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Baradel with the teachings of Rosenstein and include a system for direct access between the window manager and the with the motivation to provide the user with faster data transfer speeds.

Claim 32 is similar in scope to claim 30, and is therefore rejected under similar rationale.

As per claim 31, Baradel and Rosenstein teach all the limitations of claim 30. Baradel further teaches that the carrier medium is one of a storage medium and a transmission medium (column 4, lines 6-16).

Claim 33 is similar in scope to claim 31, and is therefore rejected under similar rationale.

Claims 9-11 and 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baradel et al. (US 5764230) in view of Rosenstein (US 6750858) in further view of Berry et al. (US 5522025).

As per claim 9, which is dependent on claim 2, the teachings of Baradel and Rosenstein in regards to claim 2 have been discussed above. Baradel and Rosenstein do not disclose storing a notification of an event in an event notification repository included in the interface and associated with an application. Berry teaches storing a notification of an event in an event notification repository included in the interface and associated with an application (column 3, lines 56-61). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Baradel and Rosenstein with a means to store a notification of an event, as taught by Berry, with the motivation to detect and diagnose performance problems by examining event latencies (column 2, lines 17-20)

As per claim 10, which is dependent on claim 9, Berry teaches storing an identification of events requested by an application in an event request repository included in the interface and associated with the application (column 3, 56-61).

Claim 24 is similar in scope to claim 10, and is therefore rejected under similar rationale.

As per claim 11, which is dependent on claim 10, polling the event request repository to identify event notifications requested by an application (column 6, lines 48-54, *system checks window properties, i.e. event repository, to determine events requested by the applications*).

Claim 25 is similar in scope to claim 11, and is therefore rejected under similar rationale.

As per claim 23, which is dependent on claim 15, Baradel teaches an event notification repository associated with an application, the event notification repository being operable to receive a notification of an event from the window manager (column 6, lines 48-54, *system checks window properties, i.e. event repository, to determine events requested by the applications*); and an event control module for passing event notification requests between an application and the window manager (column 6, lines 48-54).

Claims 12-14 and 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baradel et al. (US 5764230) in view of Rosenstein (US 6750858) in further view of Rosenstein (US 5522025).

As per claim 12, which is dependent on claim 1, the teachings of Baradel and Rosenstein (US 6750858) in regards to claim 1 have been discussed above. Baradel and Rosenstein (US 6750858) do not disclose that the at least one repository comprises a dummy window. Rosenstein (US 5522025) teaches that the at least one repository comprises a dummy window (column 5, lines 1-7, *i.e. – a window object*, and column 10, lines 20-24). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Baradel and Rosenstein (US 6750858) with a means to use a dummy window as a repository with the motivation to

allow applications a simple way to interact with the window manager (column 4, lines 45-55).

Claim 26 is similar in scope to claim 12, and is therefore rejected under similar rationale.

As per claim 13, which is dependent on claim 1, Rosenstein (US 5522025) teaches that the at least one repository comprises one or more properties associated with a dummy window (column 11, lines 7-11, *window objects store properties about visible area of associated application windows*).

Claim 28 is similar in scope to claim 13, and is therefore rejected under similar rationale.

As per claim 14, which is dependent on claim 1, Rosenstein (US 5522025) teaches that the at least one repository (the window object) is used by both the window manager and the applications (column 10, lines 10-19). He also teaches that each application has a dummy window associated with it (column 10, lines 10-19). He does not explicitly disclose a dummy window associated with the window manager. However, he does state that the window manager is another type of object (column 10, line 17). Therefore, the window manager window object is the dummy window associated with the window manager used as a repository for window data.

Claim 29 is similar in scope to claim 14, and is therefore rejected under similar rationale.

Response to Arguments

Applicant's arguments with respect to claims 1-33 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Boris Pesin whose telephone number is (571) 272-4070. The examiner can normally be reached on Monday-Friday, 9:00 AM - 6:00 PM except every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BP

Kristine Kincaid
KRISTINE KINCAID
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100